

Indian Policy Advisory Committee

April 9, 2009
OB2 Lookout Room

Present: See sign in sheet.

Jim Sijohn gave the invocation and those present introduced themselves. Liz thanked the delegates for attending and welcomed new delegates. She also welcomed Blake Chard, saying she appreciated his attendance and listening to the Tribes' concerns. She welcomed the staff who attended from the Governor's Office of Indian Affairs, and recognized Colleen Cawston for all the work she does, getting the information out to the Tribes, as do Betsy Tulee and Doug North.

Aging and Disability Services Administration (ADSA)

Kathy Leitch, Assistant Secretary, Bill Moss, HCS Director

Liz introduced Kathy and Bill. Bill discussed the budget memos that were included in the delegates' packets, and said both budgets fund growth in long-term care needs. He briefly discussed the memos, which are attached to these minutes (Attachments A and B).

Liz commented she had tried unsuccessfully to get the Long-Term Care trainings at tribal locations rather than in Port Angeles.

Kathy said the trainings approved on the November ballot will bring a significant cost increase and will be conducted by the Training Trust. The current training provider may change. If tribes have location or training issues, they can contact Charissa Raynor, at the Training Trust. She can be reached at 206- 393-2799 or charissa.raynor@myse iubenefits.org.

Bill next discussed the handout about the American Recovery and Reinvestment Act of 2009 (ARRA), which includes allotments for the tribes. The Act includes \$100 million for meals and nutrition services under the Older Americans Act, of which \$2,210,421 is designated for Washington State programs. Jim Sherrill said he had heard the amounts were reduced. Bill will discuss it with Bea Rector and report back to IPAC.

Bill next discussed the Medicare Improvements for Patients and Providers Act (MIPPA), which provides for Medicare beneficiary outreach related to insurance assistance, AAAs and Native American programs, and Aging and Disability Resource Center programs. It also provides information to older Americans about available benefits, technical assistance and training, and Medicare Part D outreach. The handout details the information for Washington State and Tribal Programs.

Next, Bill discussed the IPAC ADSA Subcommittee matrix. Meetings between the Tribes and the AAAs have been successful. The planning workgroup has a tentative agenda for the June 5 meeting, which will be hosted by Lummi Tribe.

Bill will review the ARRA for language that might help resolve the issue of burial funds/accounts. The ARRA will cause a one-time payment to be sent to social security beneficiaries, Bill said to make sure SSI recipients are notified to expect the check.

Garnet Charles also discussed the matrix. Two items were removed to the completed item list. Tribal codes were left on the matrix. She asked any tribes that have elder codes to share them so other tribes can more easily develop their own codes. Any additional matrix priorities should be sent to Colleen or Garnet.

Roll Call

Helen called the roll; a quorum was present.

Governor's Office of Indian Affairs

Craig Bill, Director

Liz asked Craig about SB 5943, requiring performance based contracts for the provision of child welfare services, which could severely impact application of ICW and the State Tribal Agreement. Liz pointed out the long process leading to the current status of working together to address ICW issues, and the government to government relationships. She suggested the tribes and state need to work on the act before bringing it forward as legislation. The other issue was SB 5973, closing the achievement gap in K-12 schools. There are already six assessments out there, and some tribes don't want more.

Craig thanked the delegates for giving him a few minutes to listen, saying he was there to get some answers himself. When the Governor proposed her budget, the deficit was \$6 billion, and it's now up to \$9 billion. He said the Governor's priorities remain protecting children, education, and health care. He agreed the SB 5973 is a big concern; he has heard from a number of tribal delegates and has conveyed their concerns to the sponsors and the Governor. The legislative session is scheduled to end April 26.

Craig said the twentieth Centennial Accord focuses on the budget and will probably be the third or fourth week of June. He pointed to IPAC as a best practice model, saying other agencies try to duplicate this model.

Jennifer invited Craig to attend IPAC meetings once or twice annually. Craig thanked her and said he would commit to attending or send a representative from his office at least once a year.

Economic Services Administration (ESA)

Troy Hutson, Assistant Secretary

Troy thanked IPAC for the opportunity to speak, saying he had been in his position for just over a year. He said that the proposed 2009-11 budgets from the Governor, Senate and House include reductions that impact ESA, including reductions to WorkFirst and General Assistance. He discussed the budget handout in delegates' packets, which I've also attached here (Attachment D).

Troy explained that as the economy and recession affect more people, more people are turning to ESA for help, including Basic Food, TANF and General Assistance. ESA expects to reduce FTEs by 200-216, but Troy is confident they will be able to continue to meet the increasing needs of clients.

ESA will conduct outreach to enroll more people in Basic Food. Under ARRA, monthly food stamp benefits increase by nearly 14%. Increased use of Basic Food will also bring in more federal funding and stimulate the Washington State economy.

In addition to feeding more citizens of Washington State by getting them enrolled in Basic Food, Troy said that another core priority of ESA is to increase work participation in the Workfirst program. ESA is looking for ways Tribal members in the state WorkFirst program can achieve the maximum benefit, and said Washington leads the nation in the number of Tribal TANF programs. Troy hopes the state's TANF program can learn from and replicate some of the innovative and culturally responsible ways the Tribes work with families. He said ESA has worked with the Bill and Melinda Gates Foundation to partner with United Indians of All Tribes Foundation; unfortunately funding for this effort is not available since the endowment has decreased significantly, but they will continue trying to find the needed funding.

The Economic Services Advisory Committee has been eliminated as a result of the Governor's Executive Order to eliminate a number of Boards and Commissions and save money. Troy looks at this as an opportunity to find other ways to effectively partner with community organizations.

ESA is looking at key service delivery processes to take advantage of existing technology to improve service delivery. The five areas of under review are call centers, outreach, determining and maintaining eligibility, verification and case management

Call centers were the initial focus, with ESA having one of the largest call centers in state government. Troy plans to expand the ways people can access services and will standardize the types of call center services available statewide. Bringing consistency to the call centers; is one of the multiple ways clients can access services closer to where they live.

Troy is working with the Gates Foundation to obtain funding for a "Mobile CSO". If funded, it would be a customized vehicle with all the capabilities of a Community Services Office which could be driven to underserved communities and provide direct services where people live. We are also working to expand community access points using computers and self-service kiosks in areas such as libraries and grocery stores. He also wants to improve the experience for individuals walking in to CSOs. Troy will continue to build on current partnerships and develop new ones in an effort to reduce poverty and hunger.

Port Gamble S'Klallam Tribe's Eligibility Pilot signing is May 11. Troy is looking forward to the trip and is willing to meet with other tribes at their locations.

The State/Tribal income workgroup met twice, focusing on developing clearer rules and better communication for the application process. Troy asked delegates to complete the related surveys in their packets.

ESA has completed data share agreements for ACES with all TANF tribes and for SEMS with four tribes that have their own child support programs. Tribes also have signed four dual ACES-SEMS data share agreements. Troy congratulated the Tulalip Tribes (who became the 6th Tribe in Washington State, and the 33rd Tribe in the Nation) to operate a child support program, and said the Colville Tribes hope to receive federal approval for their program later this month. The Suquamish Tribe received a startup Child Support grant and the Spokane Tribe is submitting an application for startup funding.

June said she appreciated the meetings about tribal and treaty income and that the state has been in a good listening mode. She asked that state staff be ready at the next meeting to discuss any potential changes from the ARRA, along with any federal guidance that would clarify the scope of changes. TTAG is also discussing the details and their interpretations with CMS; Sandy Jsames will work with June to get someone from that discussion at the next meeting.

Russ Hepfer, Lower Elwha Klallam Tribe, thanked Troy for attending and said Lower Elwha runs their own welfare program, which is a great opportunity for the tribe to provide the best care for its own people. He said DSHS engaged in genuine consultation, and he knows the Medicaid match is Troy's discussion, but because there is a government to government relationship and the Tribes ceded land to the state, the state owes the tribes and they shouldn't have to beg for funding.

Russ is worried about the ICW regulations and privatization. He also is worried that with more people out of work, the need for drug and alcohol services will increase. When the court sentences offenders to treatment provided by the tribe, Lower Elwha ends up serving a lot of non-natives. With the loss of federal match, the tribe may not be able to provide the services any longer for non-natives.

Russ invited Troy to visit the Lower Elwha Klallam Tribe. They have PL 102, which removes the two dams on the Elwha River, the first dams in the nation of this size to be removed. Removal is due in 2012, but Lower Elwha is trying to get them removed next year through stimulus funding. He said the dam removal will result in jobs and the Tribe is using TANF money to train people for the upcoming work. Russ said we need to live with our neighboring tribes and he encouraged the state not to walk away from the responsibility to Indian people just because there's no money.

Troy thanked Russ, saying Sarah is working to plan a visit to Lower Elwha.

Marilyn Scott, Upper Skagit, commented on the goal for call centers and access points. She pointed out the need for all staff to have the same training and information in order to provide standardized encounters, as well as the need to communicate plans and issues with partners, such as the tribes.

Marilyn said tribes have tried to work with the state to get services to people who reside within the tribal territories, whether or not they are tribal members. She said the tribes can partner with the state to meet the need for access to services. She suggested having tribal staff help people making eligibility determinations to contact tribal residents. She requested a specific facilitator to work with the Region 3 tribes, saying it would be a better way to reach and get a response from people needing services. She invited Troy to come to Upper Skagit, and will discuss potential dates with Sarah.

Troy agreed with Marilyn's comments and will plan to visit Upper Skagit Tribe.

Jennifer thanked Troy for "sticking it out" and for actively participating in the subcommittee. She appreciates his plans for standardization, saying many people move from one reservation to another, so standardization would help people who have to repeat the application process as they move. Puyallup is lucky to have an outstation worker, but it's important that the assigned worker wants to be there. This affects service delivery.

Jennifer reinforced that Tribes serve many non-members. She said Puyallup had closed their inpatient treatment program, which was serving about 50% non-natives and could no longer afford to provide the services.

Helen said Tulalip hires young tribal members as interns, training them to take care of the data systems. This gets them off welfare, but they then lose their benefits, such as food and insurance, because they are earning just more than allowed for eligibility. Some have to quit their jobs because they can't afford to live without the services.

John Stephens thanked Troy and commented on the cuts to GAU, asking if any funding was put aside for the tribes. Troy responded the additional money in the Governor's budget for emergency housing and shelters and community health clinics was put in as mitigation and is not specific. The idea was to see that those dollars track where there are high concentrations of people on GAU. Many of them are homeless so that's why the housing and healthcare costs were included; it's just a proposal at this point.

June reminded the Delegates that the meeting on treaty and tribal income is being led by tribal attorneys, so it's important that all of the Tribes' attorneys attend, particularly in the morning, if possible.

Liz thanked Troy and invited him to visit Jamestown on his way to Lower Elwha.

Sentencing Guidelines Commission

Jean Soliz-Conklin, Executive Director

Jean thanked the delegates for the invitation to speak to IPAC. When she was DSHS Secretary, she worked with Governor Gardner on the Centennial Accord.

Jean has spent the past two years in her current position. The Commission's mission is to promote and monitor equity in criminal sentencing guidelines by reporting data and recommending improvements to the criminal justice system. The twenty-four seat Commission includes judges, cities, counties, etc.

The Commission analyzed twenty years of sentencing trends and found too many people incarcerated in Washington, at a rate higher than rest of nation. The number of people in prison and lengths of sentences have increased disproportionately to the census. The Commission is working on ways to help the legislature determine remedies. The relative proportion of violent to non violent offenses has dropped and sex crimes are way down. However, Washington is one of the ten highest growth states in the country for sentencing. Packets contain an explanation of the legislature's work to decrease sentences.

Over time, the number of incarcerated Native American adults has been consistently overrepresented. They are more likely to go to prison than jail and the numbers are increasing at a greater rate since 2007. Tribes pay the counties to house their prisoners.

Jean asked if Tribes who do their own criminal proceedings report their numbers to the counties. Self governance tribes have their own courts and some tribes have their own jails. Counties send the commission reports of judgments, but the tribal court proceedings do not appear to be included in those numbers. Some Counties have worse records than others for disproportionate sentencing.

Some delegates commented that the numbers in the reports looked low and agreed that the tribal sentencing and incarceration numbers need to be included in the data. Helen also pointed out that Counties may not be screening to find out if people are Native American.

Jean will report to the legislature on how to do better with offering treatment to offenders reentering the community. Culturally responsive programs work best and the legislature has a vested interest due to the budget.

Rebecca mentioned that the rate of suicide among incarcerated youth is disproportionate for Native youth and asked if the Commission could help. JRA has a McArthur grant to look at disproportionate contact. The number of juvenile crimes has gone down, but for those who enter the system, more than 50% have mental health and chemical dependency issues. This is part of the McArthur grant.

The rate of disproportionality for juveniles in the justice system has dropped. Okanogan County is consistently highest in the number of juvenile arrests. Jim Sijohn said this often depends on the sheriff and prosecutor in the county, who have control over whether a case goes to court and what happens in court. The Commission also needs to look at patterns of plea bargains.

Marilyn reported the consortium of tribes in Region 3 were working together with the Counties to get funding from the Justice Department for a tribal jail facility and to look at tribal sentencing to offset what tribes are paying to house people in county jails. The tribes are looking for federal funding to develop the Indian Ridge facility for a minimum security facility, providing alternatives for those sent there, and various social services while they are there so they return to the community with some options.

Jean said Thurston County has a “check in” program so people can work and attend meetings during the day and check back in to jail for the night.

Children’s Administration (CA)

Randy Hart, Interim Assistant Secretary

Randy addressed two questions from the January meeting; first was the list of contracts with Tribes. This list was provided to the delegates and Betsy Tulee will maintain it. The other was a request that the ICW worker report directly to the Assistant Secretary. Randy explained CA is taking some significant administrative cuts, the Governor has asked the Administration to look at how they function internally

and their administrative costs, and they will include the ICW reporting issue in the decision for restructuring. The decision will be made by June. When Liz asked how it relates to budget, Randy explained they are separate issues but are coming at the same time. Randy takes the request very seriously and he feels the relationship with ICW and access to the Assistant secretary is very important. Randy is Assistant Secretary in the interim, so the new Secretary will hire an Assistant Secretary, who will be involved in the decision. However, Nancy does have direct access to Randy.

Liz pointed out the importance of having Nancy available to do the job the Tribes need her to do for them, and that Nancy couldn't attend Wednesday's ICW meeting, which impacts information sharing.

The revised LICWAC brochure is ready for printing; they are considering whether to print now or wait for the new fiscal year. They will be printed in June or July and will be distributed through Regional LICWACs. The Regions can design inserts for the brochures for specific information.

Randy reported on bills that affect the future of CA, 5943 and 2106. The Governor has the department's position and Randy has testified in the House and Senate on both bills, about the growth of the bills and the speed at which the language was developed without consulting Tribes.

Related to 2106, Randy explained that doing a better job of permanency and relative care results in loss of federal funding, which is largely dependent on foster care. Representative Kagi's bill did not initially include contracting out services, but helped to direct preventive services. Those are services we already purchase. Interventions would be bundled, with fewer contractors and performance based expectations.

SB5943 was written without addressing ICW and tribal needs; some of that was later inserted into the bill. Rebecca Peck discussed the option for tribes to write to the Governor asking for veto, with alternative suggestions included in their letters. She offered to share information about what to write.

Randy clarified that faster means safe placements and doing the right thing. Having children in foster care a long time who are not returned to their families quickly is not good for families or children.

Liz and Rebecca will email the delegates about Tribal Chairs writing letters to the Governor. She asked that if there are tribes that think 5943 is positive, they should say so, so that can be incorporated into the letters.

Randy discussed the budget comparisons, which will include the loss of staff. He said the Senate version would not include the loss of case carrying positions, but the House version would require that CA not fill vacant social worker positions. Randy will get information to tribal partners as soon as he has it. He provided the Children's Administration 2009-11 Proposed Budgets House and Senate highlights (Attachment D). Many of the budget cuts will need to be implemented on July 1. They are trying to be respectful to people; some will move from administrative positions back to the field and some will leave state service.

The ICW Foster Parent Film is still in process and they hope to finish it by June 30, 2009.

Randy looks forward to working with IPSS and GOIA on this twentieth year of the Centennial Accord. CA's plan is nearly finished, as is their 7.01 plan. Implementation plans are moving forward.

Rebecca Peck thanked Monica Reeves, JRA, for the new survey to identify Native youth entering the system, which then asks the tribe for additional information. Liz commented the tool would work well for adults who are incarcerated too.

Liz reported on the Washington ICWA status, saying there were monthly conference calls. David Simmons, NICWA, and Jack Thrope, American Indian Association, are very involved in writing the federal ICWA and are applying for a grant with the Stewart foundation to help locally. The workgroup wants to make sure the Act is comprehensive and avoids any pitfalls found in other states' acts.

Nancy distributed handouts about the Regional consultation on tribal access to IV-E, held April 9. It included a compilation of responses to the four questions addressed at the consultation. The comment period is open and Tribes can contract with the state for IV-E. Her second sheet listed the Federally Recognized Tribes nationwide that have sent a letter of intent for IV-E.

ICW Case Reviews will happen in September or October, with training in August. There will be training on each side of the state.

Betsy has completed the report for the Citizen Review Panel, which include the goals for ICW 2009-2010. The report will be released next week.

Deborah Reed reported to the CA/JRA Subcommittee about Child and Family Services Reviews; Nancy asked for two Tribal delegates to sit on the steering committee. Ronda Metcalf volunteered and requested a letter to her Tribal Chair to commit her time to the three year process. Gwen Gua also volunteered to sit on the committee.

Liz thanked Randy for coming, for his work in Indian Country over the years and for his advocacy.

Health and Recovery Services Administration (HRSA)

Helen Fenrich, Deb Sosa and Bob Brisbois

Deb introduced David Dickerson, the new DASA Director. He said he was pleased to be here and spoke about his work in Kansas for the Addiction and Prevention Administration.

Helen and Deb reported they had met to plan for the Mental Health Transformation Grant Conference, which will be in September.

The Mental Health Roundtable met Tuesday. Ronda expressed her displeasure with Roger Gantz' behavior at Tuesday's meeting. The committee was not able to get through the presentation so they will offer a webinar option to develop the workgroups. There will be more information coming out in the next week. Deb will ask for recommendations for dates and can set up the webinar in 48 hours.

The HRSA Subcommittee meets quarterly and is trying to get information out about the budget and its impacts. Deb discussed the matrix, saying it was challenging to update because many who were at the tribal meeting were not available for the roundtable, so some of the issues were difficult to understand. Deb asked that delegates contact her about identified issues, action items and next steps.

There was discussion about the recent audits and distributing confidential information to the wrong people and the wrong tribes. Colleen had delivered the correct letter and tribal data to the delegates. She will meet with the DSHS staff to address the issue and prevent future occurrences, and DSHS will report this incident to the proper authorities. There were suggestions about how to prevent this from happening again.

June discussed the Mental Health Division's options to demonstrate that tribal programs meet standards equal to state standards. She asked that DSHS accept those options before there is more discussion. She reminded the group that all relevant documents indicate that Tribes meet the standards "as applicable".

The Delegates introduced themselves to David.

Legislative Subcommittee

Phil Ambrose, Gwen Gua

Phil presented the list of bills that are still in process and discussed the updated matrix. He will coordinate Legislative training with the Office of Government and Community Relations, to be provided in September. Gwen thanked the Legislative Committee members for their participation over the past few months. She will ask for volunteers to participate on transition committees at the July IPAC meeting.

Phil discussed the Bills of Interest list, which provided a brief summary of bills still in process that IPSS staff have followed. Packets also contained a handout with links to legislative websites.

Office of Deaf and Hard of Hearing (ODHH)

Eric Raff, Director

Eric shared his background and explained about deaf culture and people with hearing loss. He gave an overview and in-depth information about services ODHH provides including telecommunications and specialized telecommunication equipment, reasonable accommodations and the regional service centers. He shared about past, present and future Tribal outreach activities as well as information about the "Intertribal Deaf Council" www.deafnative.com. Delegates packed included brochures and information about relay and regional service centers as well as an application for telecommunication equipment.

Resolution

Helen moved and Jim Sherrill seconded the appointment of Ronda and Gwen to the Child and Family Services Review Committee.